

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

State Farm Mutual Automobile Insurance Company,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 19-cv-10669
	)	
Michael Angelo, <i>et al.</i>	)	Hon. Robert H. Cleland
	)	
Defendants.	)	

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**DEFAULT JUDGMENT AGAINST DEFENDANT MERCYLAND HEALTH SERVICES, P.L.L.C.**

This matter is before the Court on Plaintiff’s Motion for Entry of Default Judgment Against Defendant Mercyland Health Services, P.L.L.C. (“Mercyland”) (ECF No. 131). The Court having considered the Motion, having conducted a hearing on the Motion, and otherwise being duly advised, notes that Defendant Mercyland’s counsel was permitted to withdraw by Order dated November 21, 2019. (ECF No. 52) (“Withdrawal Order”). The Court notes that it ordered Mercyland to “take rapid action to obtain new counsel” by December 4, 2019, and stated that “[t]he consequences of a corporate entity remaining unrepresented are potentially dire. It is well-established that ‘a corporation must be represented in court by an attorney.’” (Withdrawal Order, ECF No. 52, PageID.663-664 (citing *Harris v. Akron Dept. of Pub. Health*, 10 Fed. App’x 316, 319 (6th Cir. 2001)).)

Defendant Mercyland did not obtain new counsel by the Court's December 4, 2019 deadline. Since the Withdrawal Order was entered, Defendant Mercyland has failed to otherwise further defend itself in this civil action. As of this date, Defendant Mercyland has not obtained new counsel. The Court further notes that Defendant Mercyland is not an infant, incompetent person, or a member of the military service.

On May 17, 2021, the Clerk of the Court issued an Entry of Default against Mercyland (ECF No. 129). Since the Entry of Default, no further action has been taken by Mercyland (or on its behalf) to appear, plead, or otherwise participate in this civil action in accordance with the Federal Rules of Civil Procedure.

Therefore, the Court further finds that there is no just reason for delay, and hereby directs the entry of a judgment by default against Defendant Mercyland on Plaintiff's First, Second, Third and Fourth Causes of Action against Mercyland in the amount of One Million Seven-Hundred Ninety Thousand Dollars (\$1,790,000) under Fed. R. Civ. P. 55(b). This damages amount represents the sum of damages for which Mercyland is jointly and severally liable under the civil RICO claims alleged in Plaintiff's First and Second Causes of Action, trebled pursuant to 18 U.S.C. § 1964(c). This Default Judgment is based on Plaintiff's Motion for Entry of Default Judgment (ECF No. 131), the Affidavit of Brian Radcliff (ECF No. 131-4), and the hearing on Plaintiff's Motion for Entry of Default Judgment held on June 30, 2021. The Court finds that default judgment against Orthopedic, P.C. is equally

appropriate under Fed. R. Civ. P. 16(f)(1)(C) as a sanction for Mercyland's failure to obey the Court's Withdrawal Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff State Farm Mutual Automobile Insurance Company is awarded a default judgment against Defendant Mercyland Health Services, P.L.L.C. pursuant to Fed. R. Civ. P. 55(b)(2) in the amount of One Million Seven-Hundred Ninety Thousand Dollars (\$1,790,000), plus statutory interest as prescribed by 28 U.S.C. § 1961(a)–(b), at the statutorily prescribed rate of 0.09%, to accrue until the date this judgment is satisfied in full.

Dated: July 8, 2021

s/Robert H. Cleland  
Hon. Robert H. Cleland  
United States District Judge

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